REMARKS

In the Office Action of June 22, 2007, the Patent Office examined claims 2-4, 6-20, 84-86, 88-102, 129-137, 155-172, and 199-207 (Claim Set 1), all other claims from the as-filed application having been restricted out and then subsequently canceled. In the Office Action, the Patent Office rejected all of the examined claims under 35 U.S.C. § 103(a), as being obvious over *Breslow et al.*, U.S. Pat. No. 6,493,342, in view of *Hayes*, U.S. Publ. No. 2004/0215771.

Rejected claims 2-4, 6-20, 84-86, 88-102, 129-137, 155-172, and 199-207 are hereby canceled, rendering the substance of the rejections raised in the Office Action as moot. Applicant hereby presents new claims 223-291, rather than amending claims 2-4, 6-20, 84-86, 88-102, 129-137, 155-172, and 199-207, to make it easier for the Examiner to read and review such claims. However, in order to expedite continued examination of the present case and, hopefully, to bring this case to final resolution, Applicant includes a substantive response and arguments explaining why the newly presented claims 223-291 define over and are not obviated by the art of record.

Newly presented independent claims 223, 238, 251, 262 and 278 clearly define the nature and scope of the present invention, remain within the scope of the previously examined claims, and are presented in a manner that patentably distinguishes the present invention from the teachings of *Breslow* and *Hayes* alone or in combination with each other or with any other known or cited art.

Specifically, in rejecting all of the independent claims previously presented (claims 7, 13, 89, 95, 131, 159, 201 and 207), the Examiner relies on the assertion that "Breslow discloses header having <u>user identifier</u> and source identifier," and that the "user identifier (process identifier usually includes the user name/id) . . ." (emphasis added). It appears the Examiner asserts that the user identifier in the present Application is the same, or equivalent to, the "process identifier" in *Breslow* because the process identifier "usually includes the user name/id." It is unclear how the Examiner arrives at this conclusion, because not only is the term "user identifier" nowhere to be found in

Breslow, the terms "user name," "name" or "id" are <u>neither stated nor alluded to anywhere</u> in the reference.

Further, there is no language anywhere present in *Breslow* even alluding to the use of a process identifier to encapsulate specific user information. In fact, when describing the process identifier, *Breslow* states that the process identifier "may be used by a destination terminal to identify a specific <u>service</u> or <u>process</u> for handling the data once it is transmitted through the network." [*Breslow*, Col. 7, lines 29-32 (emphasis added)]. *Breslow* goes on to give an example of a specific process, saying "[f]or instance, if the data originated from an Internet Protocol (IP) data source, a value may be inserted in the process identifier field **46** to alert the destination terminal that an IP connectivity process should handle the incoming data." [*Breslow*, Col, 7, lines 32-37]. In this way, *Breslow* describes the process identifier as an identifier that alerts a terminal as to <u>how data should be processed</u>, and in no way teaches, discusses, suggests, contemplates, or requires that <u>unique user identifiers</u> ever be used. Thus, *Breslow* does not disclose a header having a user identifier, but rather a header with a <u>process identifier</u>, as the name suggests.

In contrast, all of the newly amended claims in the present Application <u>require</u> assigning a <u>unique user identifier</u> to each authorized user of the network, and inserting that unique user identifier into the header of a synchronization packet in a TCP/IP communication attempt. <u>The newly-presented claims, just like the previously presented ones, make no mention of a process identifier, but rather consistently recite a unique user identifier.</u> Therefore, it would be inappropriate to use *Breslow* alone, or in conjunction with *Hayes*, to obviate any of the independent or dependent claims containing the user identifier element because *Breslow* simply fails to teach, discuss, suggest, contemplate or require any such element.

Additionally, newly presented independent claims 223, 238, 251 and 278 specifically do not include any reference to a <u>source identifier</u>, as this is believed to be an unnecessary limitation not required for patentability. Consequently, the Examiner's arguments pertaining to *Breslow* are <u>entirely</u> moot because <u>neither</u> of the features relied on in those arguments, namely the source identifier and process identifier, are present in

the newly-presented independent claims 223, 238, 251 and 278. These claims contain reference only to a unique user identifier, which as discussed above, is <u>totally different</u> from anything mentioned in *Breslow*. Hence, *Breslow* in no way teaches, discusses, suggests, contemplates or requires the use of a unique user identifier, and thus does not obviate or anticipate any of the present claims.

The Examiner also relies on *Hayes* to reject the previously presented independent claims. Specifically, the Examiner asserts that *Hayes* discloses a "key in the header" of a packet, and that it would be obvious to one having ordinary skill in the art to "modify the key to include the user identifier and source identifier in the invention of Breslow . . ." However, as mentioned above, *Breslow* does not disclose a user identifier, but rather a completely different "process identifier," and thus combining *Hayes* and *Breslow* does not suggest modifying a key to include a <u>user identifier</u>, but rather could only possibly suggest modifying a key to include a <u>process identifier</u>. Accordingly, the unique user identifier inserted into the header of a synchronization packet of the present invention is not taught, suggested, discussed, contemplated or required in either of the cited references, alone or in combination, and thus any claim containing this element is not anticipated or obviated by these references.

Even if the Examiner does consider *Breslow* as somehow disclosing a user identifier, the use of a validation or authorization key described in *Hayes* is <u>completely different</u> from the use of <u>specific authorized user</u> information as described in the present claims, and, as a result, it would not be obvious to one having ordinary skill in the art to modify the validation key in *Hayes* to include this specific authorized user information. In particular, *Hayes* is directed to a system and method for "concealing a network device." [*Hayes*, Title and Abstract]. Authorized <u>machines</u> within *Hayes*' system are provided with an authorization key. [*Hayes*, paras. 0011 and 0012, (emphasis added)]. Such authorization key is then embedded into the SEQ and ACK fields of a TCP/IP communication. *Id.* If the validation key is contained in the SEQ and ACK fields of the synchronization packet of the communication, the network allows the communication to proceed. [*Hayes*, para. 8]. If the validation key is not contained therein, the

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communication is merely dropped, which enables the resource the machine is trying to access to remain concealed. *Id.*

The validation key of *Hayes*, however, does not provide *any* information about the specific user or computer initiating the communication since "the key exchange mechanism is outside the scope of [the] invention." [*Hayes*, para. 0011]. Importantly, *Hayes* does not teach, discuss, suggest, contemplate, or require insertion or extraction of a unique user identifier associated with the communication attempt, as is required by the claims in the present invention. This is because *Hayes* is focused on concealing requested resources on a network from unauthorized <u>machines</u>, not enabling a specific authorized user (not any one of many authorized users) to access a specific resource or node.

Specifically, the claims of the present invention are concerned with identifying the <u>specific authorized user</u> attempting to make a communication or access a resource. Use of a unique user identifier enables the present invention to incorporate very specific, detailed, and actionable information upon which to make access decisions. *Hayes* is not directed to this type of use or purpose and has no need for this specific detail and information; thus, there is no need or reason for *Hayes* to include or explain how and why such information would be needed or useful. <u>The present invention uses the unique user identifier precisely because of the unreliability of the conventional information in a TCP/IP communication and precisely because it is easy to hack or fake such information that *Hayes* relies upon.</u>

Additionally, although believed unnecessary for patentability, Applicants have removed any reference to a key index or validation key from the newly-presented claims to further distinguish the present invention over the prior art. As discussed above, the unique user identifier feature of the present invention is different from and superior to the mere possession of a key in *Hayes*. To their knowledge, Applicants are the first to conceive and invent a practical, effective and efficient manner of using and embedding unique user identifiers within conventional header fields within a TCP/IP synchronization packet in such a way that the information could be used, extracted, and acted upon, and all without interfering with a standard TCP/IP communication protocol. The present

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invention hinges upon use of this critical information, which enables a network to identify the specific user initiating an electronic communication. Therefore, the present invention is not anticipated or obviated by *Hayes*, even if it is considered in combination with *Breslow*, because there is no mention or allusion to a key in the present claims, and because of the additional reasons discussed above.

For the above reasons, newly presented independent claims 223, 238, 251, 262 and 278 are allowable over the references of record. Similarly, since dependent claims 224-237, 239-250, 252-261, 263-277, and 279-291 merely provide additional details and limitations to their respective independent claims, such dependent claims should be allowable for the same reasons as the independent claims.

Thus, for at least the above reasons, independent claims 223, 238, 251, 262 and 278 define over the references cited by the Patent Office to date, including *Breslow* and *Hayes*, whether considered alone or in combination with any of the other references known or cited. For these reasons, the newly presented independent claims, and all of their dependent claims, should stand in condition for allowance.

Applicant submits that no new subject matter has been added by the amendments, that the newly presented claims are within the scope of Claim Set 1, which was elected previously, and that the amendments overcome the Examiner's rejections and objections to the claims. Accordingly, this application is believed to be in condition for allowance, and such action is earnestly solicited.
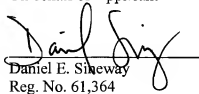
CONCLUSION

It is respectfully submitted that newly presented claims 223-291 are not anticipated or rendered obvious by any of the art cited by the Patent Office to date, including *Breslow* and *Hayes*, whether considered alone or in combination with any of the other references cited. Applicant further submits that no new subject matter has been added by the addition of the new claims. For these reasons, Applicant respectfully submits that newly presented claims 223-291 define over the references known or cited and, thus, stand in condition for allowance, which action is earnestly solicited. If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities can be corrected by an Examiner's amendment, please call the undersigned at 404-233-7000.

Because Applicant originally paid for 16 independent claims and 222 total claims, it is respectfully submitted that no additional claim fees are due with this response, which has been reduced to 5 independent claims and 69 total claims. Applicant submits the present Response and Amendment with a Petition and fee for a 2 month extension of time. However, if our assessment of fees due is in error, please charge any fees that might be due or credit any overpayment to our Deposit Account No. 50-3537.

Respectfully submitted,
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On behalf of Applicant

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